

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**KELLY SIMON**

**V.**

**THE TRAVELERS INSURANCE  
COMPANY OF AMERICA**

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§  
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§  
§

**CIVIL ACTION NO. 4:16-CV-00738**

**DEFENDANT'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, The Travelers Home and Marine Insurance Company (incorrectly sued herein as "The Travelers Insurance Company of America"), the defendant in the above entitled and numbered cause, and files this its notice of removal, and in support thereof would respectfully show unto this Honorable Court as follows:

**I.  
STATE COURT ACTION**

This case was initially filed in the 127th Judicial District Court of Harris County, Texas. The state court action is styled: Cause No. 2015-72551; Kelly Simon v. The Travelers Insurance Company of America, in the 127th Judicial District Court of Harris County, Texas.

**II.  
PARTIES**

The plaintiff, Kelly Simon, is, upon information and belief, an individual citizen and resident of Harris County, Texas.

The defendant, The Travelers Home and Marine Insurance Company ("Travelers"), is a Connecticut corporation with its principal place of business in the State of Connecticut.

### **III. JURISDICTION**

This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C. § 1332, because this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Accordingly, this cause is removable pursuant to 28 U.S.C. § 1441 and § 1446.

### **IV. TIMELINESS**

Travelers was served with process and the plaintiffs' original petition on February 29, 2016. Thirty days have not elapsed since Travelers was served with process. Accordingly, pursuant to 28 U.S.C. § 1446, this notice of removal is timely and proper.

### **V. ATTACHMENTS**

Pursuant to 28 U.S.C. § 1446(a), Local Rule 3, and Local Rule 81, the following exhibits are attached hereto and incorporated herein by reference for all purposes:

- a. Exhibit A: Civil action cover sheet;
- b. Exhibit B: Copies of all executed processes in the case, if any;
- c. Exhibit C: Copies of all pleadings asserting causes of action and all answers to such pleadings;
- d. Exhibit D: Copies of all orders signed by the state court judge, if any;
- e. Exhibit E: A copy of the state court docket sheet;
- f. Exhibit F: An index of matters being filed; and
- g. Exhibit G: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

**VI.  
CONDITIONS PRECEDENT**

The defendant has tendered the filing fee required by the Clerk of the United States District Court for the Southern District of Texas, Houston Division, along with this notice of removal. A copy of this notice of removal is also being filed in the 127th Judicial District Court of Harris County, Texas, and all counsel of record are being provided with complete copies.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests that the above action, styled: Cause No. 2015-72551; Kelly Simon v. The Travelers Insurance Company of America, in the 127th Judicial District Court of Harris County, Texas, be removed to this Court.

Respectfully submitted,

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/s/ Greg C. Wilkins

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ATTORNEYS FOR DEFENDANT,  
THE TRAVELERS HOME AND  
MARINE INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 21st day of March, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and also forwarded it to all known counsel of record by Certified Mail, Return Receipt Requested.

/s/ Greg C. Wilkins

Greg C. Wilkins